

**BOISE, WEDNESDAY, SEPTEMBER 3, 2008 AT 9:00 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**IN THE MATTER OF THE PETITION FOR )  
AN ALTERNATIVE OR )  
PEREMPTORY WRIT OF PROHIBITION. )**

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PATRICK BRIAN HENRY, CHRIS L. )  
HENRY, VINCE E. CARLSON, COLE )  
SHANE ODOM, EUGENE L. RICE, AL )  
HOLL, DOUG BUNCH, ROYCE NEIL )  
FIFER, DAVID PARRIE, AND BOB PRIGG, )  
qualified electors of the State of Idaho, for )  
and on behalf of themselves and all qualified )  
electors of the State of Idaho, )**

**Petitioners, )**

**v. )**

**THE HONORABLE BEN YSURSA, )  
Secretary of State of the State of Idaho, )**

**Respondent. )**

**and )**

**IDAHO REPUBLICAN PARTY, )**

**Intervenor. )**

**Docket No. 35580**

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A petition for Alternative Writ or Preemptory Writ of Prohibition was filed before the Supreme Court on August 12, 2008 by a group of qualified electors in the State of Idaho. These electors allege that the signatories on the Petition for Candidacy of Rex Rammell are statutorily deficient. As a result of that deficiency, Rex Rammell is not a valid candidate for election as an Idaho State Senator and his name should not appear on the November 2008 ballot. The petitioners allege that Rex Rammell's petitions contained forged signatures, or are signed by proposed electors who are not eligible to vote because of residency or other technical deficiencies. The petitioners allege that they have gone to the Secretary of State, Mr. Ben Ysursa, to request that Mr. Rammell's name not be placed on the November ballot. The Secretary of State has denied the request of the petitioners saying that they have failed to ask for the legal remedy in the district courts where the alleged improprieties took place. The Secretary

of State contends that once the county clerk has certified the petitions, the Idaho Secretary of State has no power to change that certification. As such the Secretary of State has denied the request and will place Rex Rammell's name on the November ballot without further orders from this Court.

In addition, the petitioners argue that Mr. Rex Rammell has violated his status as an independent candidate. He has violated the state statute for independent candidates by stating "I'm the real Republican in the race but I'm not the nominee." He has also continued to campaign and function as a candidate affiliated with the Republican Party by using misleading campaign materials to raise money for his senatorial campaign and using the Republican Party logo on certain campaign materials.

The Idaho Republican Party has moved to intervene and the Court has granted that request. The Party realleges that Rammell has violated the independent candidate status requirements through his use of the Republican Party logo and name in campaign literature used for raising funds and soliciting help. Additionally the Republican Party realleges that Rammell has misidentified himself as the true Republican in the senatorial race.

Because of the time constraints for statutory date of publishing the ballot, the Idaho Supreme Court has scheduled an extraordinary expedited hearing for September 3, 2008 at 9:00 a.m.